Scrial No.: 10/663,010



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant(s):

Tim Clarot, et al.

Docket No.:

33205.0800

Serial No.:

10/663,010

Group Art Unit:

1616

Date Filed:

September 15, 2003

Examiner:

TBA

Title:

COMPOSITIONS TO REDUCE

Confirmation No.:

1757

CONGESTION AND METHODS FOR

APPLICATION THEREOF TO THE

NASAL MEMBRANE

STATEMENT OF FACTS PURSUANT TO 37 C.F.R. §1.47(a)

I, Kelley A. Rasmussen of Matrixx Initiatives, Inc., and a person who has firsthand knowledge of the facts recited herein, have made numerous attempts to reach joint inventor Dr. Charles Hensley, as set forth below.

On November 14, 2003, I sent an application, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 200 Ocean Gate, Suite 1560, Long Beach, CA 90802. Copies of the overnight courier airbill along with the tracking details showing non-delivery are attached hereto as Exhibit A.

On November 14, 2003, I sent a second package enclosing the application, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's home address at 312 N. Catalina Ave, Unit A, Redondo, CA 90277. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit B.

On or about November 18, 2003, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's home. See Exhibit B.

Serial No.: 10/663,010

On or about November 24, 2003, I placed a telephone call to and left a voicemail message at Dr. Hensley's residence to confirm Dr. Hensley's receipt of the application and Declaration.

On or about December 11, 2003, and after numerous telephone call attempts to reach Dr. Hensley, I left a second voicemail message at a new number, (562) 983-0020, regarding the need for Dr. Hensley to execute the Declaration and return it for filing in this application.

On or about December 11, 2003, I sent a third package enclosing the application, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 300 Oceangate Blvd., Suite 910, Long Beach, CA 90802. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit C.

On or about December 11, 2003, I attempted to contact Dr. Hensley via e-mail at info@prbpharamaceuticals.com. Copies of the email communication along with its undeliverable message are also enclosed as Exhibit D.

On or about December 12, 2003, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's office by his assistant Cathy Valesco. See Exhibit C.

On or about January 8, 2004, I sent a fourth package enclosing the application, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's home address at 312 N. Catalina Ave, Unit A, Redondo, CA 90277. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit E.

On or about January 9, 2004, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's home. See Exhibit E.

On or about January 19, 2004, I again attempted to contact Dr. Hensley via telephone and left a voicemail message.

Serial No.: 10/663,010

On or about January 19, 2004, I sent a fifth package enclosing the application, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 200 Ocean Gate, Suite 1560, Long Beach, CA 90802. A copy of the overnight courier airbill along with the tracking details showing delivery of the package to the Redondo Beach, CA address are attached hereto as Exhibit F.

On or about January 20, 2004, overnight courier confirmation was received indicating that the application and declaration were received and accepted at Dr. Hensley's home. See Exhibit F.

Despite diligent efforts to contact Dr. Hensley via overnight conrier, e-mail, and telephone, I have been unable to obtain any response from Dr. Hensley.

All above statements are true and correct and I confirm that all available steps to locate the whereabouts of the joint inventor, Charles Hensley, have been undertaken. Nonetheless, the nonsigning inventor could not be found or reached.

Respectfully submitted,

Date: 5-7-04

Kelley A. Rasmussen

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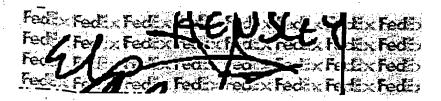
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Recipient: DR CHARLES HENSLEY

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Shipping Information:

Tracking No: 843334211920

Recipient:
DR CHARLES HENSLEY
PRB PHARMACEUTICAL S INC
300 OCEANGATE BLVD STE 91
LONG BEACH, CA 90802

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To Whom It May Concern:

I am currently trying to contact Dr. Charles Hensley in regards to patent documents that require his signature. If you could please either have him contact me directly, or supply me with the address where I could Fed-Ex the documents to him for signature, I would greatly appreciate it.

Thank you for your time and consideration,

Kelley A. Rasmussen
Administrative Assistant
Matrixx Initiatives, Inc.
2375 E. Camelback Rd.
Suite 500
Phoenix, AZ 85016
602-387-5078

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Matrixx Initiatives, Inc. 2375 East Camelback Road Suite 500 Phoenix, AZ 85016

Telephone: 602-387-5353 Fax: 602-387-4112

January 8, 2004

Dr. Charles Hensley 312 N. Catalina Ave. Unit A Redondo, CA 90277

Dear Dr. Hensley,

Enclosed are patent application documents requiring your signature. Please sign and have notarized where indicated. Feel free to contact me via e-mail at krasmussen@matrixxinc.com, or call me directly at 602-387-5078 with any questions or concerns. Please return the documents in the enclosed envelope by January 23, 3004. If you cannot have the documents back by then, please contact me.

Thank you for your time and consideration on this matter,

Kelley A. Rasmussen

Matrixx Initiatives, Inc.

2375 E. Camelback Rd.

Suite 500

Phoenix, AZ 85016

602-387-5078 (direct line)

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Signed For By: 3785346

Delivery Location: 312 CATALINA

Delivery Date: January 9, 2004

Delivery Time: 1437

Shipping Information:

Tracking No: 843334212169

Recipient:

DR CHARLES HENSLEY

312 N CATALINA AVE UNIT A REDONDO BEACH, CA 90277

US

Ship Date: January 8, 2004

Shipper:

KELLEY RASMUSSEN MATRIXX INITIATIVES, INC 2375 E CAMELBACK RD STE 5 PHOENIX, AZ 850163489

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Comments

Date/Time Status Location Jan 9, 2004 2:37 pm Delivered REDONDO BEACH CA 2:37 pm Delivered **REDONDO BEACH** CA 7:55 am On FedEx vehicle for delivery **HAWTHORNE CA** 7:30 am Arrived at FedEx Destination HAWTHORNE CA Location 7:30 am Arrived at FedEx Destination **HAWTHORNE CA** Location 3:54 am Left FedEx Sort Facility OAKLAND CA 3:33 am Arrived at Sort Facility LOS ANGELES CA Jan 8, 2004 11:27 pm Arrived at Sort Facility OAKLAND CA 8:35 pm Left FedEx Ramp PHOENIX AZ 7:47 pm Arrived at FedEx Ramp PHOENIX AZ 5:31 pm Left FedEx Origin Location PHOENIX AZ 4:15 pm Picked up by FedEx **PHOENIX AZ**

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click Send email.

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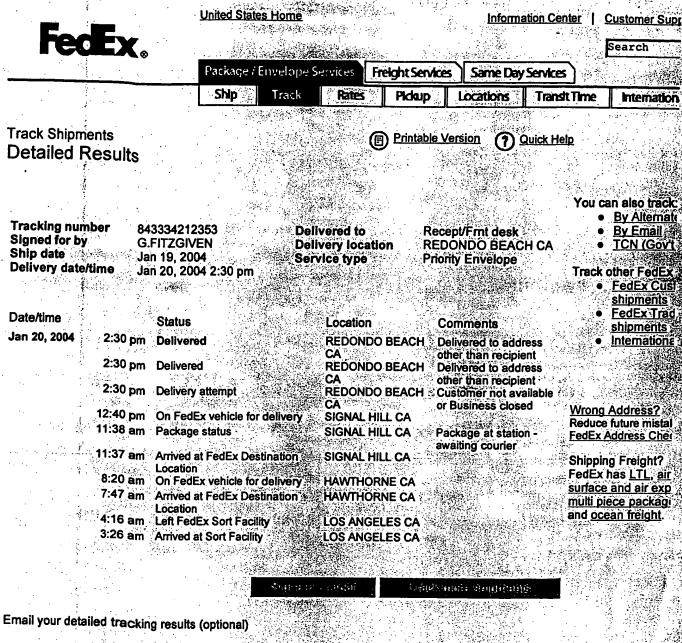
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| Fed USA Airbill Trees B433 3421 2353 | 1 From Prumprised Franker Sander's FedEx 2393-9762-0 | Senders Kelley RaSMUSSCA Mone (602) 387-5353 | Company MATRIXX INITIATIVES, INC | Address 2375 E CAMELBACK RD STE 500 DEPAINMENTERN | City PHDENIX State AZ ZIP B5016-3489 | 2 Your Internal Billing Reference Fact current was open on moca. | 3 To Recipients Dr. Marles HASkerhore (502, 733: 7557 | COMPRING MARMACEUTICAL |

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| Sender's Copy | Packages up to 150 lbs. Defrey commonstrany to later in some erest. Edel Ser 150 to Oemplijkt Edelen nat bestess moming defreny to select bostons | | Packages over 150 lbs. Dasery commitment may be last a some uses. Fedex 3Day Freight Indebalment dry | * Declared value link 8500 | HOLD Seturday at Fedex Location | Dry ice or with 1945 x x x tq care of Only by the care of Only x x x x x x x x x x x x x x x x x x x | Credit Card CastVCheck | Esp. Deso | d Vatue† .00 | FedEx Use Only |
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| | 4a Express Package Service | FedEx 2Day Second business day The business day FeGE, Enwelogs rate not available. Minimum charge: One-pound rate | 4b Express Freight Service FedEx 1Day Freight* Next business dry Cate Contempor. | 5 Packaging FedEx Envelope* | SATIFICAY Delivery HOLD SATIFICAY Delivery HOLD Figlic Policy Committeed Field: Days to search If records Does this stipment contain dangerous goods? | No Yes Dispute of Buchad Dispute beckering Application on Industry Beckering Dispute 10 security of the I center to Physical Industry Part I center to Physical in Partic peckaging. | 7 Payment Bill to: | | Total Packages | filter Eability is Smithad to \$10 |
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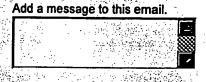
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